HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 660 of 2004 (MS)

Bhagirath Sharma ..... Petitioners

Versus

Kumaun University & others ..... Respondents

Sri K.S. Bashkar, Advocate for the petitioners
Sri B.D. Upadhyay for the respondents.

Dated: 3.8.2004

Hon. Rajesh Tandon J.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to revaluate the answer books of English I and II of B.A. Part I of the petitioner.

Briefly stated the facts giving rise to the present writ petition are that the petitioner appeared in B.A. I examination in the year 2004 as regular student from Radhey Hari Government Post Graduate Degree College, Kashipur. The submission of the petitioner is that he got only 6 marks out of 70 marks in first paper of English and 47 marks in second paper. Therefore, on account of the low marks in English Literature he has been declared fail.

On the other hand Sri B.D. Upadhyay counsel for the respondents has submitted that there is no provision of revaluation and according to the Statue of Kumaon University

1987, Rule 22.06.no revaluation shall be made and only the petitioner can be allowed improvement examination which is to be conducted by the University.

Rule 22.06 reads as under:

22.06 "With a view to improving his result a candidate may be allowed to appear in one subject in any part of the under graduate examination and one paper in B.Ed. or any one year of the LL.B. or any part o the post graduate examination of the University."

Thus in view of the aforesaid proviso 22.06, liberty is given to the petitioner to apply for improvement examination after completing necessary formalities within ten days.

Subject to the aforesaid observations, the writ petition is disposed of.

(Rajesh Tandon J.)

3.8.2004
Dhyani